

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants(s) : Thomas von Ronn et al.

Continuation Appl. No.: TBA
Serial No. of Parent : 10/680,460

Continuation Appl. Filed: Herewith
Filing Date of Parent: October 6, 2003

For : DISPENSING DEVICE

Examiner : TBA

Art Unit : TBA

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date:

Signature:

Thomas C. Hughes (Reg. No. 42,674)

PETITION FOR ACCELERATED EXAMINATION UNDER 37 C.F.R. § 1.102

S I R:

Pursuant to 37 C.F.R. §§ 1.102(a) & (d) and MPEP 708.02 VIII., Applicants respectfully petition for and request accelerated examination of the accompanying and above-captioned application. In accordance with the requirements set forth in MPEP 708.02 VIII.:

A) the Commissioner is hereby authorized to charge the petition fee of \$130.00 under 37 C.F.R. § 1.17(h), and any additional fees that may be required, to the Deposit Account of Kenyon & Kenyon, Deposit Account No. 11-0600;

B) enclosed with this Petition and Continuation Application is a Preliminary

Amendment adding new claims 41 to 55. New claims 41 to 55 are directed to a single invention. For the convenience of the Examiner, new independent claim 41 is re-produced below:

41. (New) A device for selectively dispensing a liquid comprising:
 a container defining a chamber for storing the liquid;
 a lid element including:
 a lower lid portion attachable to the container, the lower lid portion defining two lower orifices, the lower lid portion having an upwardly-extending column member located in a center region of the lower lid portion, the column member having a sloping surface;
 an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member, the upper lid portion defining two upper orifices, wherein the upper lid portion is rotatable relative to the lower lid portion to a closed position at which a first one of the upper orifices is misaligned with a first one of the lower orifices, and wherein the upper lid portion is rotatable relative to the lower lid portion to an open position at which a second one of the upper orifices is aligned with a second one of the lower orifices for dispensing the substance;
 a sliding element positionable on a top surface of the upper lid portion, wherein the sliding element has a sloped surface that is configured, upon movement of the sliding element relative to the column member, to gradually engage the sloping surface of the column member so as to progressively press the upper lid portion towards the lower lid portion.

C) a pre-examination search of U.S. patents was performed in the following classes:

Class	Subclass	Definition
220	ALL	Receptacles
	253	200: Closures/ 253: Closure members having alignable openings
	254.4	200: Closures/ 253: Closure members having alignable openings/ 254.3: Plural Secondary Closures/ 254.4: About Axis at

Class	Subclass	Definition
		right angle to plane of closure
	259.1	200: Closures / 255: Closures interconnected for common opening movement/ 259.1: Pivotal
	713	200: Closures / 703: Drinking Device/ 710.5: With handle/ 713: Having Aperture
	715	200: Closures / 703: Drinking Device/ 710.5: With handle/ 713: Having Aperture/ 715: Finger Operated
	821	200: Closures/ 810: Pivotal/ 820: About Axis at Right Angle to Plane of Closure/ 821: Pivotal Around Centrally Located Axis
222	ALL	Dispensing
	506	505: With Relatively Moveable Actuator for Outer Element/ 506: Plural Flow Controllers or Closures
	518	511: With Resilient Biasing Means for Outlet Element/ 518: For Elements Reciprocable Axially of Discharge Opening

A basic keyword search of the U.S.P.T.O. database was also completed. The following keywords were used either alone or in combination with other terms:

Pivot\$
Lock\$
Recess\$
Lid
Cap
Seal\$
Open\$
Cup\$
Contain\$

wherein "\$" denotes truncation.

D) a copy of all of the references uncovered by the search were previously provided, and are therefore of record, in the parent application U.S. Patent

Application Serial No. 10/680,460, and are listed in an Information Disclosure Statement in said parent application dated October 6, 2003. An Information Disclosure Statement for the enclosed Continuation application, listing the same references, accompanies this petition; and

E) provided hereinbelow, in the Detailed Discussion of References section of this petition, is a detailed discussion of each and every reference uncovered by the search, along with a statement that points out with particularity how the claimed subject matter is patentable over the references.

Therefore, it is respectfully submitted that all of the requirements of 37 C.F.R. §§ 1.102(a) & (d) and M.P.E.P. § 708.02. VIII. have been satisfied. Accordingly, it is respectfully requested that this Petition be granted and that an accelerated examination of the above-identified application be ordered.

Detailed Discussion of References

The following is a detailed discussion of each and every reference uncovered by the above-referenced search, along with a statement that points out with particularity how the claimed subject matter is patentable over the references:

- 1) U.S. Patent No. 4,138,033
Inventor Name: Payne et al.
Patent Date: Feb. 6, 1979
Title: Liquid Container Lid

Description: A lid for a beverage container comprising a first portion having an opening therethrough and a second portion integrally connected to the first portion and capable being folded underneath the first portion to be normally biased to a sealing engagement with the aperture when the lid is fastened onto the rim of the container. When the user depresses the second portion, liquid is allowed to pass from the container.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in

its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all, and, for opening and closing the device, a portion of the lid is downwardly pivotable not rotatable.

2) U.S. Patent No. 4,171,060
Inventor Name: Howard et al.
Patent Date: Oct. 16, 1979
Title: Covered Drinking Cup

Description: A thermo-insulated drinking cup covered by a detachable lid; the lid having a depressed top area and an orifice. A valve closing said orifice is actuated by a rotating thumb-controlled lever. The lever is effective when rotated in either direction in order to accommodate right-handed or left-handed handling of the cup.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest that an upper lid portion is rotatable relative to a lower lid portion between a closed position at which a first orifice of the upper lid portion is misaligned with a first orifice of the lower lid portion and an open position at which a second one of the upper orifices is aligned with a second one of the lower orifices for dispensing the substance. In this reference, the upper lid portion does not include orifices. Thus, the reference does not disclose or suggest orifices in an upper lid portion that align or misalign with orifices in a lower lid portion. Rather, the upper lid portion is connected to a strip 14 that has projections, e.g., small shaft 21. When the upper lid portion is rotated into the open position, the projections extend through orifices in the lower lid portion to lift the upper lid portion away from the lower lid portion, thereby providing space for liquid to flow. Thus, the projections of the upper lid portion, not orifices within the upper lid portion, align and misalign with the orifices of the lower lid portion for opening and closing.

3) U.S. Patent No. 4,440,318
Inventor Name: Berger
Patent Date: Apr. 3, 1984

Title: Beverage Dispenser

Description: A portable beverage dispenser is disclosed and includes a self contained unit that is conveniently located on the shelf of the user's refrigerator for dispensing a cooled carbonated drink. The dispenser automatically mixes carbonated water and a syrup of selected flavor and then dispenses the mixture for obtaining a low-cost carbonated drink. The dispenser is of relatively simple construction and includes a water container that receives water from the sink tap and further includes a bottle of carbon-dioxide gas that communicates with the water container for periodically supplying carbonated gas thereto for obtaining the carbonated water. A unique flavor selector valve assembly is embodied in the dispenser and operates to dispense the carbonated drink from a nozzle communicating therewith.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. Rather, this reference is directed to a unit for storing and dispensing a beverage from a shelf of a refrigerator.

4) U.S. Patent No. 4,523,697
Inventor Name: Jeans
Patent Date: Jun. 18, 1985
Title: Liquid Dispensing Package

Description: A container for dispensing a concentrate at a predetermined flow rate includes a first container part for containing a volume of the concentrate terminating in a first valve part in communication with the volume, a second container part having a second mating valve part therein and having an outlet opening, the second container part moveable with respect to the first container part to selectively move the first and second valve parts together and apart by a preselected amount to control the flow of the concentrate from said first part, through the valve part and out the outlet, tabs on the outside of the first and second parts for effecting movement of the first and second parts with respect to each other,

and a tube to permit application of a controlled pressure to the volume in the container.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

5) U.S. Patent No. 4,582,218
Inventor Name: Ross
Patent Date: Apr. 15, 1986
Title: Safety Mug For Liquids Which Permits The Liquid To
Retain Its Temperature While It Is In The Mug And Further
Retain The Liquid If The Mug Is Tipped

Description: The Present invention relates to a container for liquid which is able to retain the liquid which is able to retain the liquid therein for drinking purposes at a temperature close to its original temperature for a period of time; will assure that the liquid will not spill out if the container is tipped, and facilitates easy drinking of the liquid from the container. The container further includes an interiorly recessed shelf possessing at least one gap within the shelf wall and which accommodates a sealing member or top which contains a protruding tongue which can be inserted through the gap and rotated below the shelf to fasten the sealing member in place. Then the top can function as a sealing member to retain the liquid in place and assure that the liquid will not spill if the container is accidentally tipped. The top will further serve to entirely seal the container to thereby retain the liquid therein at close to its original temperature for a period of time.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the

lower lid portion via the column member. For instance, there is no column member at all.

6) U.S. Patent No. 4,712,704
Inventor Name: Ramsey et al.
Patent Date: Dec. 15, 1987
Title: Self-Sealing Closure

Description: A self-sealing closure for drinking vessels is disclosed. This closure is comprised of (1) a detachable lid, which can be used to cover the receptacle of the drinking vessel, and which has a depressed area and at least one orifice within the depressed area; (2) a shutter matching said orifice; (3) means for resiliently holding the shutter against the orifice; and (4) rotatable means for pushing the shutter away from the orifice.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

7) U.S. Patent No. 4,830,226
Inventor Name: Kong
Patent Date: May 16, 1989
Title: Liquid Dispensing Apparatus

Description: Apparatus for dispensing a measure amount of liquid from a container is adjustable for allowing different measured amounts of liquid to be dispensed from the same container. The apparatus is adaptable for use in the context of two-compartment, squeeze-type containers and two-compartment, inversion-type containers. The latter is a new type of container that allows a measured amount of liquid to be transferred from a storage compartment to a dispensing compartment without the need for an air vent to the outside of the container. The apparatus is designed so that additional liquid from the storage

compartment is prevented from entering the dispensing compartment during dispensing of a measured amount of liquid from the container.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a sliding element positionable on a top surface of an upper lid portion, wherein the sliding element has a sloped surface that is configured, upon movement of the sliding element relative to a column member extending upwardly from a lower lid portion to gradually engage a sloping surface of the column member so as to progressively press the upper lid portion towards the lower lid portion. To the extent that this reference discloses a vertically arranged cylinder, the cylinder does not have a sloped surface that engages a corresponding sloped surface of a sliding element.

8) U.S. Patent No. 5,005,717
Inventor Name: Oilar
Patent Date: Apr. 9, 1991
Title: Insulated Beverage Cup

Description: A thermally insulated, spill-resistant beverage container and dispenser having a resealable threaded lid at the top end thereof, and an internal straw receiver and drinking spout. The annular sidewall and bottom end of the container are comprised of an interior and exterior layer of liquid impervious thermoplastic, housing there between a single layer of lightweight thermal insulation material. The insulation material maintains the temperature of the contained beverage, whether hot or cold, for an extended period of time. The straw receiver is comprised of a tubular passageway extending from the top of the cup downward outside the thermal insulation of the sidewall to open into the bottom interior of the beverage containment chamber of the container. The non-insulated straw receiver allows hot beverages to cool slightly before being drank. Affixed to the top of the container and aligned over the straw receiver is a tubular extension structured to serve as a drinking spout. Both the straw receiver and aligned drinking spout are sized and shaped for receiving a conventional disposable straw, used to extend the length of the drinking spout when desired. The drinking spout is affixed with a removable tethered cap to allow sealing when desired. The top outer edge of the

container is affixed with two oppositely disposed tab handles to which are attached an elongated carrying strap.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

9) U.S. Patent No. 5,035,344
Inventor Name: Christopher
Patent Date: Jul. 30, 1991
Title: Closure For Portable Container

Description: A panel like lid is secured to a receptacle by a pintle for pivotal movement between a closed position and an open position about an axis whereby the lid remains horizontal at all times. In the closed position, a continuous groove in the underside of the lid matingly receives a bead upstanding from the upper edge of the sidewall of the receptacle. A compression spring encircling the pintle normally urges the lid downwardly against the receptacle. In response to movement from the closed position toward the open position, the lid is cammed upwardly to disengage the groove from the bead.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

10) U.S. Patent No. 5,036,994
Inventor Name: McElroy
Patent Date: Aug. 6, 1991
Title: Integrated Container/Ltd Assembly

Description: An integrated assembly is described comprising a container and an elastic container lid. The container has an opening wall defining an opening of the container, with the opening wall having an outer peripheral surface. The elastic container lid is stretchably adjustable to cover the opening of the container, and includes a closure panel having a peripheral edge. According to the invention, a suitable adhesive is located along a predetermined portion of the outer peripheral surface of the opening wall of the container for securing a predetermined portion of the peripheral edge of the elastic container lid to the container. When the predetermined portion of the elastic lid is secured to the container in this manner, a free portion of the elastic container lid is foldable into a first position leaving the opening of the container substantially unsealed, a second position leaving the opening of the container partly sealed and a third position wherein the container opening is sealed. A tab is attached to the closure panel for selectively moving the free portion of the container lid between the first, second and third positions.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

11) U.S. Patent No. 5,065,881
Inventor Name: Tarng
Patent Date Nov. 19, 1991
Title: Tangs Drinking Can and Cap
Description:

A drink cap comprising sliding/rotating straw/spout with or without the coolant and/or ice cube houses. There is a conduit inside the sliding/rotating straw/spout to guide the beverage to flow out. The drinker sips the beverage out of the can or bottle through the sliding/rotating straw/spout. The coolant/ice cube houses keep the drink at low temperature for hours. A drink can comprising sliding/rotating straw/spout and can. The drinker sips the beverage out of the can or bottle through the sliding/rotating straw/spout. The can is vacuum sealed with notched panel. As the

sliding spout is pushed or the rotating straw is pulled, the notched panel is pushed to open an orifice and the drink may flow out. The drinker sips the drink directly through the sliding/rotating straw/spout. As the sliding spout or rotating straw is pushed to close, the beverage is sealed to preserve the aeration and fragrance.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

12) U.S. Patent No. 5,102,002
Inventor Name: Whitley
Patent Date Apr. 7, 1992
Title: Beverage Cup Lid

Description: A reusable lid for a beverage cup or can [10] includes a round flat cover plate [20] which covers the rim of the cup to prevent dirt and insects from entering. The cover plate is held in place by a rubber torsion rod [30] which attaches perpendicularly to the plate near the edge. The other end of the rod is attached to a suction cup [40] which holds to the side of the cup. The plate is normally in a position to close the cup; it is shown displaced to one side in the drawing, as when drinking. The plate is pushed to one side with a finger. The rubber rod returns the plate to the closed position upon release. A strap with VELCRO buckle, or an elastic band around the cup, may substitute for the suction cup. The torsion rod may also be permanently attached to the cup.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

13) U.S. Patent No. 5,167,354
Inventor Name: Cohanfard
Patent Date Dec. 1, 1992

Title: Beverage-Container Carrier and Sipping Assembly

Description: A beverage-container carrier and sipping assembly (10) that is designed to replace the cap on a conventional bottle-type beverage container (60) or to be directly attached to the circumferential edge (72) of a sport bottle (71) or an opened beverage can (70). The assembly (10) consists of a dome shaped cover (12,14) that has attached a carrying strap (40) and a straw bore (20) on its upper surface that to accepts a drinking straw (22). The strap can be adjusted to an optimum length to hand carry the cover or to a length that allows the assembly (10) to be placed around a person's neck or shoulders. In either case, the strap (40) is attached to the containers cover (12,14) at points that correspond to the container (60) shoulder or center-of-gravity. Therefore, the container is comfortably balanced and supported when held by the strap (40). A vertically or horizontally oriented handle (50,54) can be added to the cover (12,14) to increase the assembly utility.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

14) U.S. Patent No. 5,217,141
Inventor Name: Ross
Patent Date: Jun. 8, 1993

Title: Unique Drinking Mug and Lid

Description:

The present invention relates to the field of liquid beverage containers which prevents the liquid from spilling or splashing, inhibits heat transfer, and keeps the container upright. The beverage container is designed to include a ring section having an inner concave surface to securely hold a flexible lid part. The flexible lid part which removably fits to the inner concave ring surface at the ring section of the

mug includes a notch aperture on its circumference for allowing a small amount of fluid to flow through for drinking while the lid is in place and a finger pull for handling the lid part.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

15) U.S. Patent No. 5,222,623
Inventor Name: Eger et al
Patent Date: Jun. 29, 1993
Title: Covered Drinking Vessel

Description: A drinking vessel comprises a hollow cup having an upper rim defining a mouth opening. A lid removable mounted on the cup extends across the mouth opening to prevent spilling of liquid from the cup. The lid includes a base so mounted on the cup and having a flange extending inwardly from the cup's rim partly across the mouth opening and defining a port aligned with an inner part of the mouth opening. The lid further includes a valve element in register with the port, a seal on the valve element underlying the flange, and an actuator adjoining the valve element and disposed laterally outwardly thereof, such that when the actuator is depressed by downward force of the user's thumb, the valve element pivots downwardly, separating the seal from the flange. A spring normally biases the valve element upwardly with the seal against the flange.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member

at all and, for opening and closing, a portion of the lid is downwardly pivotable not rotatable.

16) U.S. Patent No. 5,288,019
Inventor Name: Gorochow
Patent Date Feb. 22, 1994
Title: Beverage Cooling Sipper

Description: The present invention relates to a drinking device which, after suitable refrigeration, acts as a heat exchanger to draw heat from a hot liquid, thereby delivering cooled beverage to the user's mouth. The device includes flexible, concentric inner and outer tubes, the inner tube comprising a length of flexible, beverage grade tubing having an outer diameter at least 1/16 of an inch less than the inner diameter of the outer tube and a length at least thirty percent greater than that of the outer tube. An air space between the tubes is filled with a thermally conductive, non-toxic solid, forming the heat exchanger portion of the device. The outer tube is attached to the inner tube in a first position, such that an exposed small section of the inner tube forms a mouthpiece, and at a second position, such that the air space is formed, and at least two inches in length of the inner tube which is exposed beneath the second position forms an intake end, whereby the heat exchanger portion remains essentially unsubmerged in the beverage, thereby cooling only liquid drawn up by the user.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there are no lid portions at all.

17) U.S. Patent No. 5, 294,014
Inventor Name: Wyatt et al.
Patent Date: Mar. 15, 1994

Title: Container Closure Arrangement

Description: A closure cover for sealing a liquid container including a body having an orifice for dispensing the liquid in the container, and a rotating disk pivotally attached to the body and providing an effective seal for the dispensing orifice. The effective seal is created by a downward force upon a sealing gasket, such force being the result of the rotation of the disk member containing a ramp which is moved under a cam on the body.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

In addition, this reference does not disclose or suggest a sliding element positionable on a top surface of an upper lid portion, wherein the sliding element has a sloped surface that is configured, upon movement of the sliding element relative to a column member extending upwardly from a lower lid portion to gradually engage a sloping surface of the column member so as to progressively press the upper lid portion towards the lower lid portion. To the extent that the conical sidewall 40a of this reference discloses a column, the conical sidewall 40a does not have a sloped surface that engages a corresponding sloped surface of a sliding element.

18) U.S. Patent No. 5,392,949

Inventor Name: McKenna

Patent Date Feb. 28, 1995

Title: Universal Beverage Container Ltd.

Description: The present invention is directed at a lid for a cup. The lid comprising a disc having a periphery, a first face and a second face. The disc is corrugated to form a series of concentric, receiving channels having an opening and walls. The receiving channels are spaced apart so that both the first face and the second face can receive a cup wall of varying cup diameter. Additionally, the receiving channels have perforations to facilitate the removal of unused portions of

the lid which extend radially outward from the cup wall. The lid has a tab which extends radially inward from the periphery of the disc and is formed by tab perforations on the disc. The tab hinges to the disc at a medial portion of the disc, and the tab can be opened by pivoting around the hinge and laying against the disc. Furthermore, the tab provides a starting point to tear along the perforations.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all and, for opening and closing, a portion of the lid is upwardly pivotable not rotatable.

19) U.S. Patent No. 5,465,866
Inventor Name: Belcastro
Patent Date Nov. 14, 1995
Title: Automatically Sealing Cup

Description: An automatically sealing cup composed generally of a cup body, a lid sealingly and releasably connected with the cup body, and an automatic sealing feature that includes, generally, a flexible tube communicating with the interior space of the cup body, an aperture in the lid through which the flexible tube sealingly passes, a pivotable handle associated with the lid wherein the position of the handle determines pinching or unpinching of the tube, and, consequently, sealed and open states, respectively, of the automatically sealing cup, and a biasing member associated with the lid which automatically biases the handle to provide the sealed state. To switch the automatically sealing cup to the open state in which liquid may be extracted therefrom through the tube, a user must continuously apply pressure to the handle, upon the cessation of which the automatically sealing cup automatically reverts to the sealed state

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid

portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all and, for opening and closing, a portion of the lid is upwardly pivotable by actuation of handle 20 not rotatable.

20) U.S. Patent No. 5,518,134
Inventor Name: Liu
Patent Date May 21, 1996
Title: Pin Lock Lidded Cup

Description: A lidded cup which includes a rotating pivot at one side of the lid, and a matching pivot at one side of the lid, and a matching hollow sleeve handle at the corresponding side of the cup to provide the lid-cup assembly. A matching toothed edge at both the rotating pivot and the inner sleeve handle are designed to allow the lid to rise and slide open. The lid may also return and automatically shut by its own weight through the design of eccentric tilted devices on the lid's pivot and the handle's tilted inner sleeve.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

21) U.S. Patent No. 5,683,006
Inventor Name: Cook, III
Patent Date Nov. 4, 1997
Title: Lid for Beverage Container

Description: A lid for a beverage container having a lifting tab is affixed to the lid by a staking member or rivet which serves as a fulcrum about which the tab pivots. The staking member is disposed radially from the center of the lid. A line of weakness defining a rupturable area in the lid is formed between the staking

member and the periphery of the container, and defines a fruto-conical configuration so as to subtend an angle of at least about 90.degree.. The line of weakness is nearly completely continuous, but has one relatively small broken zone whereby the severed area circumscribed by the line is retained by the lid at the broken zone when the area is ruptured to create a hole along the line. The staking member is disposed radially from the center of the lid by at least about 2.5 mm., and the remaining surface area of the lid outside the rupturable surface area defined the line of weakness is greater than if a staking member were disposed in the center of the lid.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

22) U.S. Patent No. 5,702,020
Inventor Name: Larsen
Patent Date Dec. 30, 1997
Title: Drinking Mug

Description: A drinking mug for small children, handicapped and hospital patients, comprising a cup, a lid and a suction tube, is configured in an airtight manner so that only access to the inside of the mug is through the suction tube. Tightness is achieved by disposing the suction tube on the inside of the lid on a drinking spout and by providing a sealing ring in the joint between the lid and the cup. Due to the airtight construction, when liquid is sucked up an under pressure is created inside the mug which subsequently empties the suction tube of liquid. Correspondingly, an attempt by the liquid to run out through the suction tube when the mug is tipped over is counteracted by the siphon effect which results from the airtight construction.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

23) U.S. Patent No. 5,722,574

Inventor Name: Pratt

Patent Date Mar. 3, 1998

Title: Container and Retaining Apparatus

Description: An apparatus for securely retaining a container in place during transport yet offering ease of insertion and removal. The apparatus further facilitates blind, one-hand access to a portable fluid supply without significantly impairing the user's activity. A container portion holds and transports fluid, and is sized according to the needs of the user. The container portion is received by a retaining portion which secures the container portion to a surface such as a hip holster or a bike frame. The retaining portion and container portion securely engage with one another by way of a reciprocal connecting assembly. The reciprocal connecting assembly includes a protuberance and socket assembly which allows the container portion secure retention upon merely dropping it into the retaining portion, or, with a simple, one-handed twisting motion the container portion is virtually locked into place in the retaining portion.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

24) U.S. Patent No. 5,749,491

Inventor Name: Wylder et al.
Patent Date: May 12, 1998
Title: Reusable Cover For Rendering A Conventional Reusable
Drinking Container Spill Resistant

Description: A cover for drinking containers, and which includes a generally flat, circular disk-shaped body having two laterally projecting seal flanges. A firm body portion is sized smaller than the interior diameter of an applicable drinking container while the outward projecting annular seal flanges extend to make the overall body slightly larger in diameter than the interior diameter of the drinking container to serve as fluid seals and as frictionally adhesive members which engage the interior sidewall of the container to assist in stabilizing the cover. The top surface of the body is affixed with two oppositely disposed outward projecting flexible extending arms which extend outward beyond the sealing flanges. The arms each support a terminal end stop hook. When the cover is inserted into the open top end of a drinking container, the arms are folded upward, the folding being the result of the arms engaging the top interior lip of the drinking container, and being bent upward as the body with peripheral flanges is moved downward into the container. Upon sufficient insertion of the body with seal flanges, the stop hooks are automatically hooked atop the rim of the container. The stop hooks atop the container top lip prevent the cover from being pressed too far into the container, and serve as exposed handles for removing the cover. A beverage dispensing notch and air vent are provided in the cover.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

25) U.S. Patent No. 5,890,621
Inventor Name: Bachman et al.
Patent Date: Apr. 6, 1999

Title: Cup for Young Children with Cap Valved for Fluid Control

Description: A drinking device adapted for use by young children includes a cap adapted to sealingly cover a drinking cup. The cap has a spout and a mount, and a valve cartridge removably attached to the mount for controlling fluid flow through the spout. The valve cartridge is removable for easy cleaning or replacement, and includes a valve holder that manually, frictionally pressfits into a barrel-shaped mounting flange on the cap. The valve holder includes a grip to facilitate removal of the valve cartridge from the cap. A valve retainer snap-attaches to the valve holder to hold a silicon rubber valve in place on the valve holder. The valve includes a head section with slits that define cooperating valve fingers that cooperate to selectively allow fluid to flow out of the spout or to allow air to flow back into the cup, thus allowing the valve to operate as a single and only valve on the drinking cup.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. To the extent that the tube 26 could be considered a column, there is no other lid portion that is rotatable around the tube 26 for opening and closing.

26) U.S. Patent No. 5,894,948
Inventor Name: Yeh
Patent Date Apr. 20, 1999
Title: Novelty Mug Assembly

Description: A mug assembly comprises an internal mug adapted to be positioned inside an external mug. The external mug comprises a substantially transparent cylindrical container wall having an outer surface and an inner surface. The internal mug comprises a substantially cylindrical container wall made of a non-plastic material and having an outer surface and a mouth. A sealing material is provided to assist in securing the internal mug inside the external mug. Decorative

indicia may be provided between the inner surface of the external mug and the outer surface of the internal mug, or on the outer surface of the internal mug.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

27) U.S. Patent No. 6,000,224
Inventor Name: Foye
Patent Date Dec. 14, 1999
Title: Travel Mug

Description: A heated and cooled beverage container is provided including a housing with a base having a peripheral side wall integrally coupled to a periphery of the base and extending upwardly therefrom for defining an interior space and an upper peripheral edge. Also included is a heating and cooling mechanism situated in communication with the housing and having a first mode for generating heat for heating contents of the housing and a second mode for absorbing heat for cooling the contents of the housing.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

28) U.S. Patent No. 6,003,711
Inventor Name: Bilewitz
Patent Date Dec. 21, 1999

Title: Drink Through Cap for Drinking Cup or Mug

Description: A drink through cap that removably attaches to a drinking cup or mug. The cap has a plate-like body with a drink through hole. A raised edge extends upwardly from the periphery of the body. A disk-shaped insert is rotatably supported on the body and has a drink through area that can be aligned with the drink through hole in the body for drinking and unaligned to prevent spilling. Tabs fixed to the insert extend over the raised edge of the body where they can be rotated to the raised open stop to align the holes for drinking, or rotated to the closed stops for nonalignment of the holes for safety. Further, the tabs can be placed over the open stops to provide a latched open condition and can be placed over the closed stops to provide a latched closed condition.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. Bilewitz describes a thumb-actuated, rotatable upper lid having holes that are alignable with holes in a lower lid, but does not describe that the lower lid has an upwardly-extending, centrally-disposed column that maintains the upper lid on the lower lid.

29) U.S. Patent No. 6,010,029

Inventor Name: Wang

Patent Date Jan. 4, 2000

Title: Container Lid Assembly

Description: A lid assembly includes a lid body having a periphery containing a liquid discharge slot and an air vent arranged diametrically opposite to each other, and a center containing a passage located between the liquid discharge slot and the air vent, a rotary cap rotatably mounted on the top of the lid body and including a drive post extending downward from the bottom thereof, and extending through the passage, a control device mounted on the bottom of the lid body and secured to the drive post to rotate therewith. In such a manner, the control device can be rotated by the drive post to move between a first position where the liquid discharge slot and

the air vent are closed by the control device, and a second position where the liquid discharge slot and the air vent are detached from and opened by the control device.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

30) U.S. Patent No. 6,085,931

Inventor Name: Sadow

Patent Date Jul. 11, 2000

Title: Lid Attachment Means for Travel Mug

Description: The lid attachment means for travel mugs consists of a unit that is designed to overcome the loss of the lids for travel mugs. The lid attachment means consists of a length of string or other material that is looped through a flexible stopper and then is wrapped around the handle of the travel mug and is knotted thereto. A housing is attached to the lid of the travel mug and is designed to receive the string or material. The housing has an open able top portion and base portion and the string or material is inserted therein and then the top portion is closed. The housing is attached to the lid of the travel mug by an adhesive unit.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

31) U.S. Patent No. 6,102,244

Inventor Name: Kuwano et al.

Patent Date Aug. 15, 2000

Title: Mug with Multiple Sip Holes and Lid Gasket

Description: A travel mug includes a vessel 10 defined by two shells 14, 16 nested within one another and spaced from each other to define an insulating space 18. Both have open upper ends 20, 22 that are joined in an annular upper end joint 24. An annular shoulder gasket 26 is located on the joint 24 and an annular shoulder 30 is mounted on one of the shells 14, 16 to cover the shoulder gasket 26. The shoulder has a radially inwardly directed gross sealing surface 40 near a lower edge as well as a radially inner thread 42. A lid 12 is removably threaded on the shoulder 30 and has an annular side wall 56 merging with a bottom wall 52 having an imperforate center 52. An array of sip holes 66 is located at the point 58 of merger of the walls 52, 56, and are aligned with the gross sealing surface 40 to be closed thereby when the lid 12 is fully threaded into the vessel 10. An annular lid gasket 74 is located on the side wall 56 of the lid above the sip holes and sealingly engages the shoulder 30 above the gross sealing surface 40.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all and, for opening and closing, a portion of the lid is downwardly pivotable not rotatable.

32) U.S. Patent No. 6,290,084
Inventor Name: Louie
Patent Date Sep. 18, 2001
Title: Rotary Protective Cover Attachment for Beverage Container

Description: A rotatable circular beverage can rim cover having an up-standing loop-shaped outer periphery configured to receive and snap over a raised circular edge of a beverage can. The protective cover serves two main purposes. It is intended to provide a sanitary covering means and to prevent contaminating

objects from entering the can after opening. The cover has a circular depressed planar area that has a detachable pull-ring segment assembly covering the punch key portion of a beverage can. Upon the removal of the section by pulling and removing the pull-ring assembly, the protective cover creates an opening through which the contents of the beverage container can be consumed. The remaining section of the protective cover can be rotated between an opened or closed position to all consumption of the soft drink when in an opened position, and to cover the container's opening to prevent insects and other contaminants from penetrating the beverage can when in the closed position. The protective cover also provides an inclining hill-shaped projection to assist in lifting the underside of the punch key to an altitude that allows operator to safely lift the punch key in opening process.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

33) U.S. Patent No. 6,290,090
Inventor Name: Essebaggers
Patent Date Sep. 18, 2001
Title: Drip-Less Carbonated Beverage Container
"Flow Control Element" with Suction Spout

Description: The invention relates to a "flow control element" with suction spout for (metal) carbonated beverage cans (canteens), cups or handheld containers that hold temporarily a carbonated fluid or hot drink under pressure and that is closed off with a leak proof cover. Spilling of the fluid held therein is prevented during awkward drinking situations such as in cars while driving, walking or other less controlled drinking situations. The fluid in a beverage can, remains under pressure of the carbonation process while access is possible through the subject flow control element when a suction is applied to the spout. For non pressurized fluids an air inlet vent is provided to prevent the suction of a vacuum in the

container, thereby reducing the fluid flow while drinking. In all situations and position of the container no spilling of the fluid is possible. The spout is permanently attached to the lid of the container, in case of an aluminum beverage can, or may be both removable when used for a drinking cup or handheld container. The spout is leak tight attached to a housing enclosure that holds a spring, a centrally perforated membrane, a hollow valve stem and a valve. This housing enclosure extends into the inside of the container, which extended part functions as a guide for the valve stem and that incorporates the valve seat. The hollow valve stem is attached to the perforated membrane on one side and to the valve on the other side. When suction is applied to the spout, the membrane moves the valve and opens a flow path, thereby allowing fluid to flow through the valve stem and the perforated membrane to the mouth. When the suction stops, a spring closes the valve against the gas pressure in the can or container. The fluid opening to the valve extends through a flexible tube to the bottom of the container to allow emptying of the container completely. An air vent is provided, when the internal gas pressure sinks below the atmospheric pressure.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all and, for opening and closing, a portion of the lid is downwardly moveable not rotatable.

34) U.S. Patent No. 6,352,166
Inventor Name: Copeland
Patent Date Mar. 5, 2002
Title: Self-Closing Lid Apparatus

Description: A lid for a container having an opening is configured to close the opening. The lid includes a base adapted to fit the container opening and an actuator configured to engage the base. The base includes a deformable portion which, when deformed, will pass the contents of the container therethrough. The

actuator is moveable between a closing position and an opening position and is operable to deform the deformable portion such that, when the actuator is in its closing position, the contents of the container are blocked from passing through the deformable portion and, when the actuator is in its opening position, the contents of the container will pass through the deformable portion.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. Copeland describes a thumb-actuated, rotatable upper lid having holes that are alignable with holes in a lower lid, but does not disclose or suggest that the lower lid has an upwardly-extending, centrally-disposed column that maintains the upper lid on the lower lid.

35) U.S. Patent No. 6,409,038
Inventor Name: Karp
Patent Date Jun. 25, 2002
Title: Convertible Travel Mug

Description: A mug that is normally too large to fit into a vehicle cup holder is fitted with a hollow base member that is appropriately sized. When the elements are combined, the resulting mug can be conveniently carried in a vehicle cup holder. The base member can be used to carry beverage accessories such sugar, sweetener, creamer, or tea or cocoa. It is also possible to store liquids in the base member, such as extra coffee if the user wishes more than the mug can hold. Gaskets can be used to prevent leakage and cover members can be provided to close the base member when not connected to the mug.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

36) U.S. Patent No. 6,422,415
Inventor Name: Manganiello
Patent Date Jul. 23, 2002
Title: Leak-Proof Cup Assembly with Flow
Control Element

Description: A drinking cup assembly including a cup having an open end; a cap adapted to enclose the open end, the cap including a drinking spout and an air vent and mating surfaces adjacent or incorporated into the drinking spout and the air vent; and a flow control valve including two stacks adapted to engage the mating surfaces, each of the two stacks having a concave valve face at a top portion thereof.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all and the device does not open and close by rotation of the any of the parts.

37) U.S. Patent No. 6,502,418
Inventor Name: Holley, Jr.
Patent Date Jan. 7, 2003
Title: Spill-Resistant Container with Reinforced
Cold Plug

Description: A sippy cup or other spill-resistant container including a cold plug for cooling liquids placed therein. The sippy cup includes a cup body that surrounds a beverage storage chamber. A bottom wall of the cup body defines an opening. In one embodiment, a support flange extends upward from the bottom wall into the fluid storage chamber and surrounds the opening. In another embodiment, a support flange extends upward through the opening into the fluid storage chamber from a sleeved cap. The cold plug structure includes a tube-shaped body enclosing a refrigerant and having a closed end that extends through the central opening into the fluid storage chamber. A base of the cold plug structure is secured to the bottom

wall of the cup body, and is supported by the support flange to prevent displacement of the cold plug caused by dropping or otherwise jarring the sippy cup.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all and the device does not open and close by rotation of the any of the parts.

38) U.S. Patent No. DE 199 25 761
Inventor Name: Clemens
Patent Date: Dec. 7, 2000
Title: Drinking Beaker

Description: A beaker having a lid. The edge of the lid has a groove or thread which cooperates with a ring or thread inside the beaker. The beaker also has a rib which seals the beaker. Both rib and lid have lateral openings which can be aligned by turning the lid using a handle.

Statement: The claimed subject matter is patentable in view of this reference for at least the reason that this reference does not disclose or suggest a lower lid portion of a lid element that has an upwardly-extending column member located in its center region and an upper lid portion configured to be rotatably mounted on the lower lid portion via the column member. For instance, there is no column member at all.

Conclusion

In view of the foregoing, it is respectfully requested that this petition for accelerated examination of the accompanying and above-captioned continuation application be granted. An early and favorable action on the merits is earnestly solicited.

Dated: *December 5, 2003*

By: _____

Respectfully submitted,
KENYON & KENYON

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